

**REMARKS**

The Office Action mailed January 26, 2005 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1, 2, 4-17, and 19-33 are now pending in this application. Claims 1, 2, 4-17, and 19-33 stand rejected. Claims 3 and 18 have been canceled.

In accordance with 37 C.F.R. 1.136(a), a three-month extension of time is submitted herewith to extend the due date of the response to the Office Action dated January 25, 2005 for the above-identified patent application from April 26, 2005 through and including July 26, 2005. In accordance with 37 C.F.R. 1.17(a)(3), authorization to charge a deposit account in the amount of \$1020.00 to cover this extension of time request also is submitted herewith.

The rejection of Claims 1-33 under 35 U.S.C. § 102(b) as being anticipated by Matheson (U.S. Patent No. 5,623,413) is respectfully traversed.

Matheson describes a train and scheduling and control system includes a system-wide planner (200) who develops a course schedule, a planner (204) who develops a detailed movement plan that is inspected by a safety insurer (206) and finally implemented by a train controller (208). The schedule for each train includes data referred to as a “state vector” including an originating point, a time of departure from the originating point, and a destination point. The movement plan is a time history of the position of the trains throughout the plan including a movement planner initializer (400), a movement planner executor (MPE) (402), and a physical model (404). The MPE receives and records the state vector, and uses services of the physical model to advance time in increments until the physical model reports a conflict.

Claim 1 recites a method for managing locomotives in a railyard including a parking yard and a service yard, based on possible future states of the parking yard and the service yard, using a system including a computer, wherein the method includes “establishing an initial state of the locomotives in the parking yard and the service yard...enumerating possible present locomotive railyard parking options...enumerating possible future railyard parking configurations arising from each possible present locomotive railyard parking option...examining each possible future railyard parking configuration...determining a

metric for parking decisions using the initial state of the locomotives in the parking yard and the service yard, an inbound schedule that identifies the locomotives arriving on an inbound train consist, an outbound schedule that identifies which outbound train consist to which each locomotive is assigned, and the possible railyard parking options...choosing a present locomotive railyard parking option based on the examination of the possible future railyard parking configurations and the metric.”

Applicant respectfully submits that Matheson et al. do not describe a method for managing locomotives in a railyard as recited in Claim 1. Specifically, Matheson et al. do not describe or suggest determining a metric for parking decisions using the initial state of the locomotives in the parking yard and the service yard, an inbound schedule that identifies the locomotives arriving on an inbound train consist, an outbound schedule that identifies which outbound train consist to which each locomotive is assigned, and the possible railyard parking options and choosing a present locomotive railyard parking option based on the examination of the possible future railyard parking configurations and the metric. Rather, in contrast to the present invention, Matheson et al. describe a scheduling system for moving assembled trains through a multi-path railway network that includes rail lines extending between yards such as switching, setout and interchange yards that are merely referred to as terminus, starting points, or destination points and where a yardmaster, if he has prior knowledge of the order and timing of the arrivals of a train he can set up the yard to accept those trains. Moreover, Matheson et al. does not describe nor suggest enumerating possible present locomotive railyard parking options, enumerating possible future railyard parking configurations arising from each possible present locomotive railyard parking option, nor examining each possible future railyard parking configuration. For at least the reasons set forth above, Claim 1 is submitted to be patentable over Matheson et al.

Claims 2 and 4-15 depend from independent Claim 1. When the recitations of Claims 2 and 4-15 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claims 2 and 4-15 are likewise patentable over Matheson et al.

Claim 16 recites a networked system for managing locomotives in a railyard including a parking yard and a service yard, based on possible future states of the parking yard and the service yard wherein the system includes a client system comprising a browser...a database for storing information...a server system coupled to said client system and said database, said

server system configured to...establish an initial state of the locomotives in the parking yard and the service yard...enumerate possible present locomotive railyard parking options...enumerate possible future railyard parking configurations arising from each possible present locomotive railyard parking option...examine each possible future railyard parking configurations...determine a metric for parking decisions using the initial state of the locomotives in the parking yard and the service yard, an inbound schedule that identifies the locomotives arriving on an inbound train consist, an outbound schedule that identifies which outbound train consist to which each locomotive is assigned, and parking options...determine a present option based on the examination of the possible future railyard states and the metric.”

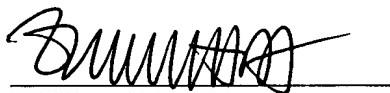
Applicant respectfully submits that Matheson et al. do not describe a networked system for managing locomotives in a railyard as recited in Claim 16. Specifically, Matheson et al. do not describe nor suggest a server system configured to determine a metric for parking decisions using the initial state of the locomotives in the parking yard and the service yard, an inbound schedule that identifies the locomotives arriving on an inbound train consist, an outbound schedule that identifies which outbound train consist to which each locomotive is assigned, and parking options and determine a present option based on the examination of the possible future railyard states and the metric. Rather, in contrast to the present invention, Matheson et al. describe a scheduling system for moving assembled trains through a multi-path railway network that includes rail lines extending between yards such as switching, setout and interchange yards that are merely referred to as terminus, starting points, or destination points and where a yardmaster, if he has prior knowledge of the order and timing of the arrivals of a train he can set up the yard to accept those trains. Moreover, Matheson et al. does not describe nor suggest a server system configured to enumerate possible present locomotive railyard parking options, enumerate possible future railyard parking configurations arising from each possible present locomotive railyard parking option, nor examine each possible future railyard parking configuration. For at least the reasons set forth above, Claim 16 is submitted to be patentable over Matheson.

Claims 17 and 19-33 depend from independent Claim 16. When the recitations of Claims 17 and 19-33 are considered in combination with the recitations of Claim 16, Applicant submits that dependent Claims 17 and 19-33 are likewise patentable over Matheson et al.

For at least the reasons set forth above, Applicant respectfully requests that the Section 102 rejection of Claims 1, 2, 4-17, and 19-33 be withdrawn.

In view of the foregoing amendments and remarks, all claims now active in this application are believed to be in condition for allowance. Therefore, reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



William J. Zychlewicz  
Registration No. 51,366  
ARMSTRONG TEASDALE LLP  
One Metropolitan Square, Suite 2600  
St. Louis, Missouri 63102-2740  
(314) 621-5070